



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD)No.19696 of 2019

and

W.M.P. (MD)No.16178 of 2019

R.Mathiyalagan

... Petitioner

Vs.

1.The District Collector / Inspector of Village Panchayats,
Collectorate, Karur District, Karur.

2.The Block Development Officer (Village Panchayats),
O/o the Karur Panchayat Union,
Thanthonimalai-639 007,
Karur Post and District.

3.The Special Officer,
Vettamangalam Village Panchayat,
Karur Panchayat Union, Karur District.

4.Guna Bala Sekar

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to construct the underground drainage in the middle of the street of Sottaiyur, Vettamangalam Village Panchayat, Pugalur Taluk, Karur District by using the Concrete Pipes, within the stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

For R1 to R3 : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader for the official respondents.



2. This writ petition designed as Public Interest Litigation has been filed to direct the respondents 1 to 3 to construct the underground drainage in the middle of the street of Sottaiyur, Vettamangalam Village Panchayat, Pugalur Taluk, Karur District by using the Concrete Pipes.

3. The petitioner would state that cement road is to be framed and if PVC pipes are laid, there is a likelihood of the pipe could damage easily and if breakage occurs, entire cement road has to be dismantled. It will involve lot of time, money and it is waste of expenditure. It is submitted that even in individual houses 10 inches PVC pipe is used to deslit the drainage water. However, the fourth respondent has permitted to lay 8 inch PVC pipe to drain the drainage water being let out from nearly 30 houses in the street.

4. We have seen photographs and *prima facie* we find that the size of the pipe is very narrow. Apart from that considering the type of vehicle that will pass through in the narrow street and considering the fact that the street is going to be a cement road, the third respondent should install cement pipe or casing pipes as used earlier. Work order does not specify the nature of pipes to be used.

5. In our considered view, considering the time line benefits, the third respondent should definitely remove the PVC pipes and lay cement pipes, so that the drainage water will flow freely and there will be no blockage. This direction be complied with within a period of three weeks from the date of receipt of a copy of this order and compliance report be filed by the second respondent before the District Collector. Further the work of laying PVC Pipes for the remaining 300 metres shall be stopped.

6. The Additional Government Pleader submitted on account of these process there will be increase of cost. If additional expenditure is involved for providing better facilities to the public, the Government should not shrink its responsibilities in bearing the additional burden. Drainage facilities is very important for the health and hygiene of the locality and people living in that area. There cannot be any compromise on this. It is a common knowledge that several public works are taken by the Government at exorbitant costs by using tax payers money. Therefore, the respondents 1 to 3 should not shrink the responsibilities, when it comes to the interest of the public, their health and hygienic. Further more, if cement pipes are used, its durability will be better, as a result of which, repairs and maintainability fees can be avoided.



7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector / Inspector of Village Panchayats,
Collectorate, Karur District, Karur.
 - 2.The Block Development Officer (Village Panchayats),
O/o the Karur Panchayat Union,
Thanthonimalai-639 007,
Karur Post and District.
 - 3.The Special Officer,
Vettamangalam Village Panchayat,
Karur Panchayat Union, Karur District.
- +1. C.C. to Mr.M.SARAVANAKUMAR Advocate SR.No.87759
+1. C.C. to SPECIAL GOVERNMENT PLEADER Advocate SR.No.87959

ORDER MADE IN
W.P. (MD) No.19696 of 2019
18.09.2019

TA
TK/14.10.2019/3P/6C